

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GS HOLISTIC, LLC,

No. 2:22-cv-02034-DAD-CKD

Plaintiff,

v.

AA 110, et al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

Defendants.

(Doc. Nos. 10, 16)

On November 9, 2022, plaintiff GS Holistic, LLC filed this civil action against two defendants: AA 110 doing business as Dixon Smoke Shop (“Dixon Smoke Shop”), and Sayed Mehdizadeh. (Doc. No. 1.) The Clerk of the Court entered default as to both defendants because they were served with the summons and complaint and did not file a timely answer, responsive pleading, or otherwise appear in this action. (Doc. Nos. 4, 5, 8.) On June 22, 2023, plaintiff filed the pending motion for default judgment. (Doc. No. 10.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 and Local Rule 302.

On December 7, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for default judgment be granted, in part. (Doc. No. 16.) Specifically, the magistrate judge recommended that statutory damages be awarded to plaintiff pursuant to 15 U.S.C. § 1117 in the amount of \$5,000, that costs be awarded in the amount of \$532.00, and that judgment be entered against defendants on plaintiff's claims of

1 trademark infringement and unfair competition under the Lanham Act, but that plaintiff's motion
2 otherwise be denied. (*Id.* at 12.) The findings and recommendations provided that any objections
3 thereto were to be filed within fourteen (14) days. (*Id.*) To date, no objections have been filed
4 and the time for doing so has now passed.

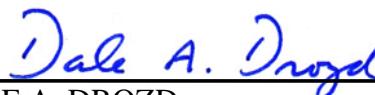
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court conducted a *de*
6 *novo* review of the case. Having carefully reviewed the file, the court concludes that the findings
7 and recommendations are supported by the record and proper analysis.

8 Accordingly:

- 9 1. The findings and recommendations issued on December 7, 2023 (Doc. No. 16) are
10 adopted in full;
- 11 2. Plaintiff's motion for default judgment against defendants (Doc. No. 10) is
12 granted, in part, as follows:
 - 13 a. Default judgment is entered in favor of plaintiff and against defendants on
14 plaintiff's claims of trademark infringement and unfair competition under
15 the Lanham Act;
 - 16 b. Plaintiff is awarded statutory damages pursuant to 15 U.S.C. § 1117 in the
17 amount of \$5,000.00;
 - 18 c. Plaintiff is awarded costs in the amount of \$532.00; and
 - 19 d. Plaintiff's motion is otherwise denied; and
- 20 3. The Clerk of the Court is directed to close this case.

21 IT IS SO ORDERED.

22 Dated: January 17, 2024


DALE A. DROZD
UNITED STATES DISTRICT JUDGE

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